



General Assembly

January Session, 2007

**Committee Bill No. 5298**

LCO No. 5418

\*05418HB05298GAE\*

Referred to Committee on Government Administration and  
Elections

Introduced by:  
(GAE)

**AN ACT CONCERNING THE IDENTITY OF WHISTLEBLOWERS AND  
EXTENDING WHISTLEBLOWER PROTECTIONS TO MUNICIPAL  
WHISTLEBLOWERS.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 4-61dd of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Any person having knowledge of any matter involving  
4 corruption, unethical practices, violation of state laws or regulations,  
5 mismanagement, gross waste of funds, abuse of authority or danger to  
6 the public safety occurring in any state or municipal department or  
7 agency or any quasi-public agency, as defined in section 1-120, or any  
8 person having knowledge of any matter involving corruption,  
9 violation of state or federal laws or regulations, gross waste of funds,  
10 abuse of authority or danger to the public safety occurring in any large  
11 state contract, may transmit all facts and information in such person's  
12 possession concerning such matter to the Auditors of Public Accounts.  
13 The Auditors of Public Accounts shall review such matter and report  
14 their findings and any recommendations to the Attorney General.

15 Upon receiving such a report, the Attorney General shall make such  
16 investigation as the Attorney General deems proper regarding such  
17 report and any other information that may be reasonably derived from  
18 such report. Prior to conducting an investigation of any information  
19 that may be reasonably derived from such report, the Attorney  
20 General shall consult with the Auditors of Public Accounts concerning  
21 the relationship of such additional information to the report that has  
22 been issued pursuant to this subsection. Any such subsequent  
23 investigation deemed appropriate by the Attorney General shall only  
24 be conducted with the concurrence and assistance of the Auditors of  
25 Public Accounts. At the request of the Attorney General or on their  
26 own initiative, the auditors shall assist in the investigation. The  
27 Attorney General shall have power to summon witnesses, require the  
28 production of any necessary books, papers or other documents and  
29 administer oaths to witnesses, where necessary, for the purpose of an  
30 investigation pursuant to this section. Upon the conclusion of the  
31 investigation, the Attorney General shall where necessary, report any  
32 findings to the Governor, or in matters involving criminal activity, to  
33 the Chief State's Attorney. In addition to the exempt records provision  
34 of section 1-210, the Auditors of Public Accounts and the Attorney  
35 General shall not, after receipt of any information from a person under  
36 the provisions of this section, disclose the identity of such person,  
37 [without such person's consent unless the Auditors of Public Accounts  
38 or the Attorney General determines that such disclosure is  
39 unavoidable, and may withhold records of such investigation, during  
40 the pendency of the investigation.]

41 (b) (1) No state or municipal officer or employee, as defined in  
42 section 4-141, no quasi-public agency officer or employee, no officer or  
43 employee of a large state contractor and no appointing authority shall  
44 take or threaten to take any personnel action against any state,  
45 municipal or quasi-public agency employee or any employee of a large  
46 state contractor in retaliation for such employee's or contractor's  
47 disclosure of information to (A) an employee of the Auditors of Public  
48 Accounts or the Attorney General under the provisions of subsection

49 (a) of this section; (B) an employee of the state or municipal agency or  
50 quasi-public agency where such state or municipal officer or employee  
51 is employed; (C) an employee of a state agency pursuant to a  
52 mandated reporter statute; or (D) in the case of a large state contractor,  
53 an employee of the contracting state agency concerning information  
54 involving the large state contract.

55 (2) If a state, municipal or quasi-public agency employee or an  
56 employee of a large state contractor alleges that a personnel action has  
57 been threatened or taken in violation of subdivision (1) of this  
58 subsection, the employee may notify the Attorney General, who shall  
59 investigate pursuant to subsection (a) of this section.

60 (3) (A) Not later than thirty days after learning of the specific  
61 incident giving rise to a claim that a personnel action has been  
62 threatened or has occurred in violation of subdivision (1) of this  
63 subsection, a state, municipal or quasi-public agency employee, an  
64 employee of a large state contractor or the employee's attorney may  
65 file a complaint concerning such personnel action with the Chief  
66 Human Rights Referee designated under section 46a-57. The Chief  
67 Human Rights Referee shall assign the complaint to a human rights  
68 referee appointed under section 46a-57, who shall conduct a hearing  
69 and issue a decision concerning whether the officer or employee taking  
70 or threatening to take the personnel action violated any provision of  
71 this section. If the human rights referee finds such a violation, the  
72 referee may award the aggrieved employee reinstatement to the  
73 employee's former position, back pay and reestablishment of any  
74 employee benefits for which the employee would otherwise have been  
75 eligible if such violation had not occurred, reasonable attorneys' fees,  
76 and any other damages. For the purposes of this subsection, such  
77 human rights referee shall act as an independent hearing officer. The  
78 decision of a human rights referee under this subsection may be  
79 appealed by any person who was a party at such hearing, in  
80 accordance with the provisions of section 4-183.

81 (B) The Chief Human Rights Referee shall adopt regulations, in  
82 accordance with the provisions of chapter 54, establishing the  
83 procedure for filing complaints and noticing and conducting hearings  
84 under subparagraph (A) of this subdivision.

85 (4) As an alternative to the provisions of subdivisions (2) and (3) of  
86 this subsection: (A) A state or quasi-public agency employee who  
87 alleges that a personnel action has been threatened or taken may file an  
88 appeal not later than thirty days after learning of the specific incident  
89 giving rise to such claim with the Employees' Review Board under  
90 section 5-202, or, in the case of a state, municipal or quasi-public  
91 agency employee covered by a collective bargaining contract, in  
92 accordance with the procedure provided by such contract; or (B) an  
93 employee of a large state contractor alleging that such action has been  
94 threatened or taken may, after exhausting all available administrative  
95 remedies, bring a civil action in accordance with the provisions of  
96 subsection (c) of section 31-51m.

97 (5) In any proceeding under subdivision (2), (3) or (4) of this  
98 subsection concerning a personnel action taken or threatened against  
99 any state, municipal or quasi-public agency employee or any employee  
100 of a large state contractor, which personnel action occurs not later than  
101 [one year] three years after the employee first transmits facts and  
102 information concerning a matter under subsection (a) of this section to  
103 the Auditors of Public Accounts or the Attorney General, there shall be  
104 a rebuttable presumption that the personnel action is in retaliation for  
105 the action taken by the employee under subsection (a) of this section.

106 (6) If a state officer or employee, as defined in section 4-141, a quasi-  
107 public agency officer or employee, an officer or employee of a large  
108 state contractor or an appointing authority takes or threatens to take  
109 any action to impede, fail to renew or cancel a contract between a state  
110 agency and a large state contractor, or between a large state contractor  
111 and its subcontractor, in retaliation for the disclosure of information  
112 pursuant to subsection (a) of this section to any agency listed in

113 subdivision (1) of this subsection, such affected agency, contractor or  
114 subcontractor may, not later than ninety days after learning of such  
115 action, threat or failure to renew, bring a civil action in the superior  
116 court for the judicial district of Hartford to recover damages, attorney's  
117 fees and costs.

118 (c) Any employee of a state, municipal or quasi-public agency or  
119 large state contractor, who is found to have knowingly and maliciously  
120 made false charges under subsection (a) of this section, shall be subject  
121 to disciplinary action by such employee's appointing authority up to  
122 and including dismissal. In the case of a state or quasi-public agency  
123 employee, such action shall be subject to appeal to the Employees'  
124 Review Board in accordance with section 5-202, or in the case of state,  
125 municipal or quasi-public agency employees included in collective  
126 bargaining contracts, the procedure provided by such contracts.

127 (d) On or before September first, annually, the Auditors of Public  
128 Accounts shall submit to the clerk of each house of the General  
129 Assembly a report indicating the number of matters for which facts  
130 and information were transmitted to the auditors pursuant to this  
131 section during the preceding state fiscal year and the disposition of  
132 each such matter.

133 (e) Each contract between a state or quasi-public agency and a large  
134 state contractor shall provide that, if an officer, employee or  
135 appointing authority of a large state contractor takes or threatens to  
136 take any personnel action against any employee of the contractor in  
137 retaliation for such employee's disclosure of information to any  
138 employee of the contracting state or quasi-public agency or the  
139 Auditors of Public Accounts or the Attorney General under the  
140 provisions of subsection (a) of this section, the contractor shall be liable  
141 for a civil penalty of not more than five thousand dollars for each  
142 offense, up to a maximum of twenty per cent of the value of the  
143 contract. Each violation shall be a separate and distinct offense and in  
144 the case of a continuing violation each calendar day's continuance of

145 the violation shall be deemed to be a separate and distinct offense. The  
146 executive head of the state or quasi-public agency may request the  
147 Attorney General to bring a civil action in the superior court for the  
148 judicial district of Hartford to seek imposition and recovery of such  
149 civil penalty.

150 (f) Each large state contractor shall post a notice of the provisions of  
151 this section relating to large state contractors in a conspicuous place  
152 which is readily available for viewing by the employees of the  
153 contractor.

154 (g) No person who, in good faith, discloses information to the  
155 Auditors of Public Accounts or the Attorney General in accordance  
156 with this section shall be liable for any civil damages resulting from  
157 such good faith disclosure.

158 (h) As used in this section:

159 (1) "Large state contract" means a contract between an entity and a  
160 state or quasi-public agency, having a value of five million dollars or  
161 more; and

162 (2) "Large state contractor" means an entity that has entered into a  
163 large state contract with a state or quasi-public agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	4-61dd

**Statement of Purpose:**

To protect the identity of whistleblowers, extend whistleblower protections to municipal whistleblowers and increase the length of time that a rebuttable presumption exists concerning certain personnel actions that occur after an employee's disclosure of information to the Auditors of Public Accounts or the Attorney General.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. GIANNAROS, 21st Dist.

H.B. 5298